Remarks/Arguments

In the non-final Office Action dated January 30, 2009, it is noted that claims 1, 3-11, 13, and 15 are pending. Claims 1, 6, and 7 are independent claims. Claims 3-5, 11, and 13 depend ultimately from claim 1, and claims 8-10 and 15 depend ultimately from claim 7. Claims 2, 12, and 14 are cancelled.

By this response, claims 1, 6, 7, and 9 have been amended to clarify certain aspects of the subject matter. For example, independent claim 1 includes a partial feature recited in claim 4, and independent claims 6 and 7 include a partial feature recited in claim 9. No new matter has been added.

Rejection of Claims 1, 3-9, 11, and 13 under 35 U.S.C. §103(a)

Claims 1, 3-9, 11, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maruyama (US 7,035,644) in view of Wassew (US 7,324,543). This rejection is respectfully traversed.

Claim 1 recites, in part, "monitoring the number of time slots available per frame time for that channel." The Office action points to Maruyama at column 3, lines 9-14 and column 8, lines 1-10 as teaching the above claimed features (Office action page 5, referring to claim 4). Applicant respectfully disagrees.

In contrast to Applicant's claim 1, Maruyama does not disclose "monitoring the number of time slots available per frame time for that channel." Emphasis added. Maruyama at column 3, lines 9-14 teaches "it is possible to speed up data communication and reduce inefficient use of radio channels through the effective use of a limited number of radio channels by the provision of time division multiple access

(TDMA) channels between radio terminals and the base station." Maruyama at column 8 lines 1-10 teaches "based on the channel assignment status stored in the channel assignment monitor 54, the controller 53 posts a plurality of consecutive slots S1 to S3 of the channel M to the individual base station 52A." However, Maruyama does not teach "monitoring the number of time slots available per frame time for that channel" as recited in claim 1. Emphasis added. Maruyama simply stores the channel assignment. Under no circumstances does Maruyama teach, show, or disclose "monitoring the number of time slots available per frame time for that channel" as recited in claim 1.

Wassew does not remedy this defect in the teaching of Maruyama. Wassew teaches a method for protecting against overload of a multipoint-to-point channel of a cellular communication network. (Wassew, column 3, lines 11-14). However, Wassew does not teach, show, or disclose "monitoring the number of time slots available per frame time for that channel" as recited in claim 1.

The combination of Maruyama and Wassew fails to teach or disclose "monitoring the number of time slots available per frame time for that channel" as recited in claim 1. As such, Applicant respectfully requests the withdrawal of the rejection of claim 1.

Independent claims 6 and 7, while different from claim 1, include several similar distinguishing features as discussed above with respect to claim 1. Applicant essentially repeats the above arguments for claim 1 and applies them to claims 6 and 7. The respective dependent claims include at least the above mentioned features in addition to further features in each claim. Applicant essentially repeats the above arguments for each of the dependent claims. Accordingly, withdrawal of the rejection of claims 1, 3-9, 11, and 13 is respectfully requested.

Rejection of Claims 10 and 15 under 35 U.S.C. §103(a)

Claims 10 and 15 stand rejected under 35 U.S.C. §103 as being unpatentable over Maruyama in view of Wassew in further view of Bahl (us 2004/0204071).

Claims 10 and 15 ultimately depend from allowable independent claim 7. Bahl does not cure the deficiencies of Maruyama and Wassew as noted above with respect to claim 7. Applicant essentially repeats the above arguments for each of these dependent claims. As such, claims 10 and 15 are allowable at least by virtue of their dependence on an allowable base claim. Withdrawal of these rejections is respectfully requested.

Conclusion

An earnest effort has been made to be fully responsive to the examiner's correspondence and advance the prosecution of this case. In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all pending claims are respectfully solicited.

If there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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973-401-7157